



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB3857

by Rep. Justin Slaughter

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/10-2	from Ch. 38, par. 10-2
720 ILCS 5/12-2	from Ch. 38, par. 12-2
720 ILCS 5/12-3.05	was 720 ILCS 5/12-4
720 ILCS 5/24-1	from Ch. 38, par. 24-1

Amends the Criminal Code of 2012. In the statutes concerning aggravated kidnaping, aggravated assault, aggravated battery, and unlawful use of weapons, deletes references to "hooded" and replaces with "cloth" so that the offense is committed when the person commits the proscribed act when he or she wears a cloth, robe, or mask to conceal his or her identity. Effective immediately.

LRB100 10584 RLC 20802 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 2012 is amended by changing  
5 Sections 10-2, 12-2, 12-3.05, and 24-1 as follows:

6 (720 ILCS 5/10-2) (from Ch. 38, par. 10-2)

7 Sec. 10-2. Aggravated kidnaping.

8 (a) A person commits the offense of aggravated kidnaping  
9 when he or she commits kidnaping and:

10 (1) kidnaps with the intent to obtain ransom from the  
11 person kidnaped or from any other person;

12 (2) takes as his or her victim a child under the age of  
13 13 years, or a person with a severe or profound  
14 intellectual disability;

15 (3) inflicts great bodily harm, other than by the  
16 discharge of a firearm, or commits another felony upon his  
17 or her victim;

18 (4) wears a cloth hood, robe, or mask to conceal ~~or~~  
19 ~~conceals~~ his or her identity;

20 (5) commits the offense of kidnaping while armed with a  
21 dangerous weapon, other than a firearm, as defined in  
22 Section 33A-1 of this Code;

23 (6) commits the offense of kidnaping while armed with a

1 firearm;

2 (7) during the commission of the offense of kidnaping,  
3 personally discharges a firearm; or

4 (8) during the commission of the offense of kidnaping,  
5 personally discharges a firearm that proximately causes  
6 great bodily harm, permanent disability, permanent  
7 disfigurement, or death to another person.

8 As used in this Section, "ransom" includes money, benefit,  
9 or other valuable thing or concession.

10 (b) Sentence. Aggravated kidnaping in violation of  
11 paragraph (1), (2), (3), (4), or (5) of subsection (a) is a  
12 Class X felony. A violation of subsection (a) (6) is a Class X  
13 felony for which 15 years shall be added to the term of  
14 imprisonment imposed by the court. A violation of subsection  
15 (a) (7) is a Class X felony for which 20 years shall be added to  
16 the term of imprisonment imposed by the court. A violation of  
17 subsection (a) (8) is a Class X felony for which 25 years or up  
18 to a term of natural life shall be added to the term of  
19 imprisonment imposed by the court. An offender under the age of  
20 18 years at the time of the commission of aggravated kidnaping  
21 in violation of paragraphs (1) through (8) of subsection (a)  
22 shall be sentenced under Section 5-4.5-105 of the Unified Code  
23 of Corrections.

24 A person who has attained the age of 18 years at the time  
25 of the commission of the offense and who is convicted of a  
26 second or subsequent offense of aggravated kidnaping shall be

1 sentenced to a term of natural life imprisonment; except that a  
2 sentence of natural life imprisonment shall not be imposed  
3 under this Section unless the second or subsequent offense was  
4 committed after conviction on the first offense. An offender  
5 under the age of 18 years at the time of the commission of the  
6 second or subsequent offense shall be sentenced under Section  
7 5-4.5-105 of the Unified Code of Corrections.

8 (Source: P.A. 99-69, eff. 1-1-16; 99-143, eff. 7-27-15; 99-642,  
9 eff. 7-28-16.)

10 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

11 Sec. 12-2. Aggravated assault.

12 (a) Offense based on location of conduct. A person commits  
13 aggravated assault when he or she commits an assault against an  
14 individual who is on or about a public way, public property, a  
15 public place of accommodation or amusement, or a sports venue.

16 (b) Offense based on status of victim. A person commits  
17 aggravated assault when, in committing an assault, he or she  
18 knows the individual assaulted to be any of the following:

19 (1) A person with a physical disability or a person 60  
20 years of age or older and the assault is without legal  
21 justification.

22 (2) A teacher or school employee upon school grounds or  
23 grounds adjacent to a school or in any part of a building  
24 used for school purposes.

25 (3) A park district employee upon park grounds or

1 grounds adjacent to a park or in any part of a building  
2 used for park purposes.

3 (4) A community policing volunteer, private security  
4 officer, or utility worker:

5 (i) performing his or her official duties;

6 (ii) assaulted to prevent performance of his or her  
7 official duties; or

8 (iii) assaulted in retaliation for performing his  
9 or her official duties.

10 (4.1) A peace officer, fireman, emergency management  
11 worker, or emergency medical services personnel:

12 (i) performing his or her official duties;

13 (ii) assaulted to prevent performance of his or her  
14 official duties; or

15 (iii) assaulted in retaliation for performing his  
16 or her official duties.

17 (5) A correctional officer or probation officer:

18 (i) performing his or her official duties;

19 (ii) assaulted to prevent performance of his or her  
20 official duties; or

21 (iii) assaulted in retaliation for performing his  
22 or her official duties.

23 (6) A correctional institution employee, a county  
24 juvenile detention center employee who provides direct and  
25 continuous supervision of residents of a juvenile  
26 detention center, including a county juvenile detention

1 center employee who supervises recreational activity for  
2 residents of a juvenile detention center, or a Department  
3 of Human Services employee, Department of Human Services  
4 officer, or employee of a subcontractor of the Department  
5 of Human Services supervising or controlling sexually  
6 dangerous persons or sexually violent persons:

7 (i) performing his or her official duties;

8 (ii) assaulted to prevent performance of his or her  
9 official duties; or

10 (iii) assaulted in retaliation for performing his  
11 or her official duties.

12 (7) An employee of the State of Illinois, a municipal  
13 corporation therein, or a political subdivision thereof,  
14 performing his or her official duties.

15 (8) A transit employee performing his or her official  
16 duties, or a transit passenger.

17 (9) A sports official or coach actively participating  
18 in any level of athletic competition within a sports venue,  
19 on an indoor playing field or outdoor playing field, or  
20 within the immediate vicinity of such a facility or field.

21 (10) A person authorized to serve process under Section  
22 2-202 of the Code of Civil Procedure or a special process  
23 server appointed by the circuit court, while that  
24 individual is in the performance of his or her duties as a  
25 process server.

26 (c) Offense based on use of firearm, device, or motor

1 vehicle. A person commits aggravated assault when, in  
2 committing an assault, he or she does any of the following:

3 (1) Uses a deadly weapon, an air rifle as defined in  
4 Section 24.8-0.1 of this Act, or any device manufactured  
5 and designed to be substantially similar in appearance to a  
6 firearm, other than by discharging a firearm.

7 (2) Discharges a firearm, other than from a motor  
8 vehicle.

9 (3) Discharges a firearm from a motor vehicle.

10 (4) Wears a cloth hood, robe, or mask to conceal his or  
11 her identity.

12 (5) Knowingly and without lawful justification shines  
13 or flashes a laser gun sight or other laser device attached  
14 to a firearm, or used in concert with a firearm, so that  
15 the laser beam strikes near or in the immediate vicinity of  
16 any person.

17 (6) Uses a firearm, other than by discharging the  
18 firearm, against a peace officer, community policing  
19 volunteer, fireman, private security officer, emergency  
20 management worker, emergency medical services personnel,  
21 employee of a police department, employee of a sheriff's  
22 department, or traffic control municipal employee:

23 (i) performing his or her official duties;

24 (ii) assaulted to prevent performance of his or her  
25 official duties; or

26 (iii) assaulted in retaliation for performing his

1 or her official duties.

2 (7) Without justification operates a motor vehicle in a  
3 manner which places a person, other than a person listed in  
4 subdivision (b) (4), in reasonable apprehension of being  
5 struck by the moving motor vehicle.

6 (8) Without justification operates a motor vehicle in a  
7 manner which places a person listed in subdivision (b) (4),  
8 in reasonable apprehension of being struck by the moving  
9 motor vehicle.

10 (9) Knowingly video or audio records the offense with  
11 the intent to disseminate the recording.

12 (d) Sentence. Aggravated assault as defined in subdivision  
13 (a), (b) (1), (b) (2), (b) (3), (b) (4), (b) (7), (b) (8), (b) (9),  
14 (c) (1), (c) (4), or (c) (9) is a Class A misdemeanor, except that  
15 aggravated assault as defined in subdivision (b) (4) and (b) (7)  
16 is a Class 4 felony if a Category I, Category II, or Category  
17 III weapon is used in the commission of the assault. Aggravated  
18 assault as defined in subdivision (b) (4.1), (b) (5), (b) (6),  
19 (b) (10), (c) (2), (c) (5), (c) (6), or (c) (7) is a Class 4 felony.  
20 Aggravated assault as defined in subdivision (c) (3) or (c) (8)  
21 is a Class 3 felony.

22 (e) For the purposes of this Section, "Category I weapon",  
23 "Category II weapon, and "Category III weapon" have the  
24 meanings ascribed to those terms in Section 33A-1 of this Code.  
25 (Source: P.A. 98-385, eff. 1-1-14; 99-78, eff. 7-20-15; 99-143,  
26 eff. 7-27-15; 99-256, eff. 1-1-16; 99-642, eff. 7-28-16;



1 99-816, eff. 8-15-16.)

2 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

3 Sec. 12-3.05. Aggravated battery.

4 (a) Offense based on injury. A person commits aggravated  
5 battery when, in committing a battery, other than by the  
6 discharge of a firearm, he or she knowingly does any of the  
7 following:

8 (1) Causes great bodily harm or permanent disability or  
9 disfigurement.

10 (2) Causes severe and permanent disability, great  
11 bodily harm, or disfigurement by means of a caustic or  
12 flammable substance, a poisonous gas, a deadly biological  
13 or chemical contaminant or agent, a radioactive substance,  
14 or a bomb or explosive compound.

15 (3) Causes great bodily harm or permanent disability or  
16 disfigurement to an individual whom the person knows to be  
17 a peace officer, community policing volunteer, fireman,  
18 private security officer, correctional institution  
19 employee, or Department of Human Services employee  
20 supervising or controlling sexually dangerous persons or  
21 sexually violent persons:

22 (i) performing his or her official duties;

23 (ii) battered to prevent performance of his or her  
24 official duties; or

25 (iii) battered in retaliation for performing his

1 or her official duties.

2 (4) Causes great bodily harm or permanent disability or  
3 disfigurement to an individual 60 years of age or older.

4 (5) Strangles another individual.

5 (b) Offense based on injury to a child or person with an  
6 intellectual disability. A person who is at least 18 years of  
7 age commits aggravated battery when, in committing a battery,  
8 he or she knowingly and without legal justification by any  
9 means:

10 (1) causes great bodily harm or permanent disability or  
11 disfigurement to any child under the age of 13 years, or to  
12 any person with a severe or profound intellectual  
13 disability; or

14 (2) causes bodily harm or disability or disfigurement  
15 to any child under the age of 13 years or to any person  
16 with a severe or profound intellectual disability.

17 (c) Offense based on location of conduct. A person commits  
18 aggravated battery when, in committing a battery, other than by  
19 the discharge of a firearm, he or she is or the person battered  
20 is on or about a public way, public property, a public place of  
21 accommodation or amusement, a sports venue, or a domestic  
22 violence shelter.

23 (d) Offense based on status of victim. A person commits  
24 aggravated battery when, in committing a battery, other than by  
25 discharge of a firearm, he or she knows the individual battered  
26 to be any of the following:

1 (1) A person 60 years of age or older.

2 (2) A person who is pregnant or has a physical  
3 disability.

4 (3) A teacher or school employee upon school grounds or  
5 grounds adjacent to a school or in any part of a building  
6 used for school purposes.

7 (4) A peace officer, community policing volunteer,  
8 fireman, private security officer, correctional  
9 institution employee, or Department of Human Services  
10 employee supervising or controlling sexually dangerous  
11 persons or sexually violent persons:

12 (i) performing his or her official duties;

13 (ii) battered to prevent performance of his or her  
14 official duties; or

15 (iii) battered in retaliation for performing his  
16 or her official duties.

17 (5) A judge, emergency management worker, emergency  
18 medical services personnel, or utility worker:

19 (i) performing his or her official duties;

20 (ii) battered to prevent performance of his or her  
21 official duties; or

22 (iii) battered in retaliation for performing his  
23 or her official duties.

24 (6) An officer or employee of the State of Illinois, a  
25 unit of local government, or a school district, while  
26 performing his or her official duties.

1           (7) A transit employee performing his or her official  
2 duties, or a transit passenger.

3           (8) A taxi driver on duty.

4           (9) A merchant who detains the person for an alleged  
5 commission of retail theft under Section 16-26 of this Code  
6 and the person without legal justification by any means  
7 causes bodily harm to the merchant.

8           (10) A person authorized to serve process under Section  
9 2-202 of the Code of Civil Procedure or a special process  
10 server appointed by the circuit court while that individual  
11 is in the performance of his or her duties as a process  
12 server.

13           (11) A nurse while in the performance of his or her  
14 duties as a nurse.

15           (e) Offense based on use of a firearm. A person commits  
16 aggravated battery when, in committing a battery, he or she  
17 knowingly does any of the following:

18           (1) Discharges a firearm, other than a machine gun or a  
19 firearm equipped with a silencer, and causes any injury to  
20 another person.

21           (2) Discharges a firearm, other than a machine gun or a  
22 firearm equipped with a silencer, and causes any injury to  
23 a person he or she knows to be a peace officer, community  
24 policing volunteer, person summoned by a police officer,  
25 fireman, private security officer, correctional  
26 institution employee, or emergency management worker:

- 1 (i) performing his or her official duties;  
2 (ii) battered to prevent performance of his or her  
3 official duties; or  
4 (iii) battered in retaliation for performing his  
5 or her official duties.

6 (3) Discharges a firearm, other than a machine gun or a  
7 firearm equipped with a silencer, and causes any injury to  
8 a person he or she knows to be emergency medical services  
9 personnel:

- 10 (i) performing his or her official duties;  
11 (ii) battered to prevent performance of his or her  
12 official duties; or  
13 (iii) battered in retaliation for performing his  
14 or her official duties.

15 (4) Discharges a firearm and causes any injury to a  
16 person he or she knows to be a teacher, a student in a  
17 school, or a school employee, and the teacher, student, or  
18 employee is upon school grounds or grounds adjacent to a  
19 school or in any part of a building used for school  
20 purposes.

21 (5) Discharges a machine gun or a firearm equipped with  
22 a silencer, and causes any injury to another person.

23 (6) Discharges a machine gun or a firearm equipped with  
24 a silencer, and causes any injury to a person he or she  
25 knows to be a peace officer, community policing volunteer,  
26 person summoned by a police officer, fireman, private

1 security officer, correctional institution employee or  
2 emergency management worker:

3 (i) performing his or her official duties;

4 (ii) battered to prevent performance of his or her  
5 official duties; or

6 (iii) battered in retaliation for performing his  
7 or her official duties.

8 (7) Discharges a machine gun or a firearm equipped with  
9 a silencer, and causes any injury to a person he or she  
10 knows to be emergency medical services personnel:

11 (i) performing his or her official duties;

12 (ii) battered to prevent performance of his or her  
13 official duties; or

14 (iii) battered in retaliation for performing his  
15 or her official duties.

16 (8) Discharges a machine gun or a firearm equipped with  
17 a silencer, and causes any injury to a person he or she  
18 knows to be a teacher, or a student in a school, or a  
19 school employee, and the teacher, student, or employee is  
20 upon school grounds or grounds adjacent to a school or in  
21 any part of a building used for school purposes.

22 (f) Offense based on use of a weapon or device. A person  
23 commits aggravated battery when, in committing a battery, he or  
24 she does any of the following:

25 (1) Uses a deadly weapon other than by discharge of a  
26 firearm, or uses an air rifle as defined in Section

1 24.8-0.1 of this Code.

2 (2) Wears a cloth ~~hood~~, robe, or mask to conceal his or  
3 her identity.

4 (3) Knowingly and without lawful justification shines  
5 or flashes a laser gunsight or other laser device attached  
6 to a firearm, or used in concert with a firearm, so that  
7 the laser beam strikes upon or against the person of  
8 another.

9 (4) Knowingly video or audio records the offense with  
10 the intent to disseminate the recording.

11 (g) Offense based on certain conduct. A person commits  
12 aggravated battery when, other than by discharge of a firearm,  
13 he or she does any of the following:

14 (1) Violates Section 401 of the Illinois Controlled  
15 Substances Act by unlawfully delivering a controlled  
16 substance to another and any user experiences great bodily  
17 harm or permanent disability as a result of the injection,  
18 inhalation, or ingestion of any amount of the controlled  
19 substance.

20 (2) Knowingly administers to an individual or causes  
21 him or her to take, without his or her consent or by threat  
22 or deception, and for other than medical purposes, any  
23 intoxicating, poisonous, stupefying, narcotic, anesthetic,  
24 or controlled substance, or gives to another person any  
25 food containing any substance or object intended to cause  
26 physical injury if eaten.

1           (3) Knowingly causes or attempts to cause a  
2           correctional institution employee or Department of Human  
3           Services employee to come into contact with blood, seminal  
4           fluid, urine, or feces by throwing, tossing, or expelling  
5           the fluid or material, and the person is an inmate of a  
6           penal institution or is a sexually dangerous person or  
7           sexually violent person in the custody of the Department of  
8           Human Services.

9           (h) Sentence. Unless otherwise provided, aggravated  
10          battery is a Class 3 felony.

11          Aggravated battery as defined in subdivision (a)(4),  
12          (d)(4), or (g)(3) is a Class 2 felony.

13          Aggravated battery as defined in subdivision (a)(3) or  
14          (g)(1) is a Class 1 felony.

15          Aggravated battery as defined in subdivision (a)(1) is a  
16          Class 1 felony when the aggravated battery was intentional and  
17          involved the infliction of torture, as defined in paragraph  
18          (14) of subsection (b) of Section 9-1 of this Code, as the  
19          infliction of or subjection to extreme physical pain, motivated  
20          by an intent to increase or prolong the pain, suffering, or  
21          agony of the victim.

22          Aggravated battery under subdivision (a)(5) is a Class 1  
23          felony if:

24                 (A) the person used or attempted to use a dangerous  
25                 instrument while committing the offense; or

26                 (B) the person caused great bodily harm or permanent



1           disability or disfigurement to the other person while  
2           committing the offense; or

3           (C) the person has been previously convicted of a  
4           violation of subdivision (a)(5) under the laws of this  
5           State or laws similar to subdivision (a)(5) of any other  
6           state.

7           Aggravated battery as defined in subdivision (e)(1) is a  
8           Class X felony.

9           Aggravated battery as defined in subdivision (a)(2) is a  
10          Class X felony for which a person shall be sentenced to a term  
11          of imprisonment of a minimum of 6 years and a maximum of 45  
12          years.

13          Aggravated battery as defined in subdivision (e)(5) is a  
14          Class X felony for which a person shall be sentenced to a term  
15          of imprisonment of a minimum of 12 years and a maximum of 45  
16          years.

17          Aggravated battery as defined in subdivision (e)(2),  
18          (e)(3), or (e)(4) is a Class X felony for which a person shall  
19          be sentenced to a term of imprisonment of a minimum of 15 years  
20          and a maximum of 60 years.

21          Aggravated battery as defined in subdivision (e)(6),  
22          (e)(7), or (e)(8) is a Class X felony for which a person shall  
23          be sentenced to a term of imprisonment of a minimum of 20 years  
24          and a maximum of 60 years.

25          Aggravated battery as defined in subdivision (b)(1) is a  
26          Class X felony, except that:

1           (1) if the person committed the offense while armed  
2 with a firearm, 15 years shall be added to the term of  
3 imprisonment imposed by the court;

4           (2) if, during the commission of the offense, the  
5 person personally discharged a firearm, 20 years shall be  
6 added to the term of imprisonment imposed by the court;

7           (3) if, during the commission of the offense, the  
8 person personally discharged a firearm that proximately  
9 caused great bodily harm, permanent disability, permanent  
10 disfigurement, or death to another person, 25 years or up  
11 to a term of natural life shall be added to the term of  
12 imprisonment imposed by the court.

13           (i) Definitions. For the purposes of this Section:

14           "Building or other structure used to provide shelter" has  
15 the meaning ascribed to "shelter" in Section 1 of the Domestic  
16 Violence Shelters Act.

17           "Domestic violence" has the meaning ascribed to it in  
18 Section 103 of the Illinois Domestic Violence Act of 1986.

19           "Domestic violence shelter" means any building or other  
20 structure used to provide shelter or other services to victims  
21 or to the dependent children of victims of domestic violence  
22 pursuant to the Illinois Domestic Violence Act of 1986 or the  
23 Domestic Violence Shelters Act, or any place within 500 feet of  
24 such a building or other structure in the case of a person who  
25 is going to or from such a building or other structure.

26           "Firearm" has the meaning provided under Section 1.1 of the

1 Firearm Owners Identification Card Act, and does not include an  
2 air rifle as defined by Section 24.8-0.1 of this Code.

3 "Machine gun" has the meaning ascribed to it in Section  
4 24-1 of this Code.

5 "Merchant" has the meaning ascribed to it in Section 16-0.1  
6 of this Code.

7 "Strangle" means intentionally impeding the normal  
8 breathing or circulation of the blood of an individual by  
9 applying pressure on the throat or neck of that individual or  
10 by blocking the nose or mouth of that individual.

11 (Source: P.A. 98-369, eff. 1-1-14; 98-385, eff. 1-1-14; 98-756,  
12 eff. 7-16-14; 99-143, eff. 7-27-15; 99-816, eff. 8-15-16.)

13 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

14 Sec. 24-1. Unlawful use of weapons.

15 (a) A person commits the offense of unlawful use of weapons  
16 when he knowingly:

17 (1) Sells, manufactures, purchases, possesses or  
18 carries any bludgeon, black-jack, slung-shot, sand-club,  
19 sand-bag, metal knuckles or other knuckle weapon  
20 regardless of its composition, throwing star, or any knife,  
21 commonly referred to as a switchblade knife, which has a  
22 blade that opens automatically by hand pressure applied to  
23 a button, spring or other device in the handle of the  
24 knife, or a ballistic knife, which is a device that propels  
25 a knifelike blade as a projectile by means of a coil

1 spring, elastic material or compressed gas; or

2 (2) Carries or possesses with intent to use the same  
3 unlawfully against another, a dagger, dirk, billy,  
4 dangerous knife, razor, stiletto, broken bottle or other  
5 piece of glass, stun gun or taser or any other dangerous or  
6 deadly weapon or instrument of like character; or

7 (3) Carries on or about his person or in any vehicle, a  
8 tear gas gun projector or bomb or any object containing  
9 noxious liquid gas or substance, other than an object  
10 containing a non-lethal noxious liquid gas or substance  
11 designed solely for personal defense carried by a person 18  
12 years of age or older; or

13 (4) Carries or possesses in any vehicle or concealed on  
14 or about his person except when on his land or in his own  
15 abode, legal dwelling, or fixed place of business, or on  
16 the land or in the legal dwelling of another person as an  
17 invitee with that person's permission, any pistol,  
18 revolver, stun gun or taser or other firearm, except that  
19 this subsection (a) (4) does not apply to or affect  
20 transportation of weapons that meet one of the following  
21 conditions:

22 (i) are broken down in a non-functioning state; or

23 (ii) are not immediately accessible; or

24 (iii) are unloaded and enclosed in a case, firearm  
25 carrying box, shipping box, or other container by a  
26 person who has been issued a currently valid Firearm

1 Owner's Identification Card; or

2 (iv) are carried or possessed in accordance with  
3 the Firearm Concealed Carry Act by a person who has  
4 been issued a currently valid license under the Firearm  
5 Concealed Carry Act; or

6 (5) Sets a spring gun; or

7 (6) Possesses any device or attachment of any kind  
8 designed, used or intended for use in silencing the report  
9 of any firearm; or

10 (7) Sells, manufactures, purchases, possesses or  
11 carries:

12 (i) a machine gun, which shall be defined for the  
13 purposes of this subsection as any weapon, which  
14 shoots, is designed to shoot, or can be readily  
15 restored to shoot, automatically more than one shot  
16 without manually reloading by a single function of the  
17 trigger, including the frame or receiver of any such  
18 weapon, or sells, manufactures, purchases, possesses,  
19 or carries any combination of parts designed or  
20 intended for use in converting any weapon into a  
21 machine gun, or any combination or parts from which a  
22 machine gun can be assembled if such parts are in the  
23 possession or under the control of a person;

24 (ii) any rifle having one or more barrels less than  
25 16 inches in length or a shotgun having one or more  
26 barrels less than 18 inches in length or any weapon

1           made from a rifle or shotgun, whether by alteration,  
2           modification, or otherwise, if such a weapon as  
3           modified has an overall length of less than 26 inches;  
4           or

5                   (iii) any bomb, bomb-shell, grenade, bottle or  
6           other container containing an explosive substance of  
7           over one-quarter ounce for like purposes, such as, but  
8           not limited to, black powder bombs and Molotov  
9           cocktails or artillery projectiles; or

10           (8) Carries or possesses any firearm, stun gun or taser  
11           or other deadly weapon in any place which is licensed to  
12           sell intoxicating beverages, or at any public gathering  
13           held pursuant to a license issued by any governmental body  
14           or any public gathering at which an admission is charged,  
15           excluding a place where a showing, demonstration or lecture  
16           involving the exhibition of unloaded firearms is  
17           conducted.

18           This subsection (a) (8) does not apply to any auction or  
19           raffle of a firearm held pursuant to a license or permit  
20           issued by a governmental body, nor does it apply to persons  
21           engaged in firearm safety training courses; or

22           (9) Carries or possesses in a vehicle or on or about  
23           his person any pistol, revolver, stun gun or taser or  
24           firearm or ballistic knife, when he or she wears a cloth,  
25           robe, or mask ~~is hooded, robed or masked in such manner as~~  
26           to conceal his or her identity; or

1           (10) Carries or possesses on or about his person, upon  
2 any public street, alley, or other public lands within the  
3 corporate limits of a city, village or incorporated town,  
4 except when an invitee thereon or therein, for the purpose  
5 of the display of such weapon or the lawful commerce in  
6 weapons, or except when on his land or in his own abode,  
7 legal dwelling, or fixed place of business, or on the land  
8 or in the legal dwelling of another person as an invitee  
9 with that person's permission, any pistol, revolver, stun  
10 gun or taser or other firearm, except that this subsection  
11 (a) (10) does not apply to or affect transportation of  
12 weapons that meet one of the following conditions:

13                   (i) are broken down in a non-functioning state; or

14                   (ii) are not immediately accessible; or

15                   (iii) are unloaded and enclosed in a case, firearm  
16 carrying box, shipping box, or other container by a  
17 person who has been issued a currently valid Firearm  
18 Owner's Identification Card; or

19                   (iv) are carried or possessed in accordance with  
20 the Firearm Concealed Carry Act by a person who has  
21 been issued a currently valid license under the Firearm  
22 Concealed Carry Act.

23           A "stun gun or taser", as used in this paragraph (a)  
24 means (i) any device which is powered by electrical  
25 charging units, such as, batteries, and which fires one or  
26 several barbs attached to a length of wire and which, upon

1 hitting a human, can send out a current capable of  
2 disrupting the person's nervous system in such a manner as  
3 to render him incapable of normal functioning or (ii) any  
4 device which is powered by electrical charging units, such  
5 as batteries, and which, upon contact with a human or  
6 clothing worn by a human, can send out current capable of  
7 disrupting the person's nervous system in such a manner as  
8 to render him incapable of normal functioning; or

9 (11) Sells, manufactures or purchases any explosive  
10 bullet. For purposes of this paragraph (a) "explosive  
11 bullet" means the projectile portion of an ammunition  
12 cartridge which contains or carries an explosive charge  
13 which will explode upon contact with the flesh of a human  
14 or an animal. "Cartridge" means a tubular metal case having  
15 a projectile affixed at the front thereof and a cap or  
16 primer at the rear end thereof, with the propellant  
17 contained in such tube between the projectile and the cap;  
18 or

19 (12) (Blank); or

20 (13) Carries or possesses on or about his or her person  
21 while in a building occupied by a unit of government, a  
22 billy club, other weapon of like character, or other  
23 instrument of like character intended for use as a weapon.  
24 For the purposes of this Section, "billy club" means a  
25 short stick or club commonly carried by police officers  
26 which is either telescopic or constructed of a solid piece



1 of wood or other man-made material.

2 (b) Sentence. A person convicted of a violation of  
3 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),  
4 subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a  
5 Class A misdemeanor. A person convicted of a violation of  
6 subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony; a  
7 person convicted of a violation of subsection 24-1(a)(6) or  
8 24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person  
9 convicted of a violation of subsection 24-1(a)(7)(i) commits a  
10 Class 2 felony and shall be sentenced to a term of imprisonment  
11 of not less than 3 years and not more than 7 years, unless the  
12 weapon is possessed in the passenger compartment of a motor  
13 vehicle as defined in Section 1-146 of the Illinois Vehicle  
14 Code, or on the person, while the weapon is loaded, in which  
15 case it shall be a Class X felony. A person convicted of a  
16 second or subsequent violation of subsection 24-1(a)(4),  
17 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a Class 3  
18 felony. The possession of each weapon in violation of this  
19 Section constitutes a single and separate violation.

20 (c) Violations in specific places.

21 (1) A person who violates subsection 24-1(a)(6) or  
22 24-1(a)(7) in any school, regardless of the time of day or  
23 the time of year, in residential property owned, operated  
24 or managed by a public housing agency or leased by a public  
25 housing agency as part of a scattered site or mixed-income  
26 development, in a public park, in a courthouse, on the real

1 property comprising any school, regardless of the time of  
2 day or the time of year, on residential property owned,  
3 operated or managed by a public housing agency or leased by  
4 a public housing agency as part of a scattered site or  
5 mixed-income development, on the real property comprising  
6 any public park, on the real property comprising any  
7 courthouse, in any conveyance owned, leased or contracted  
8 by a school to transport students to or from school or a  
9 school related activity, in any conveyance owned, leased,  
10 or contracted by a public transportation agency, or on any  
11 public way within 1,000 feet of the real property  
12 comprising any school, public park, courthouse, public  
13 transportation facility, or residential property owned,  
14 operated, or managed by a public housing agency or leased  
15 by a public housing agency as part of a scattered site or  
16 mixed-income development commits a Class 2 felony and shall  
17 be sentenced to a term of imprisonment of not less than 3  
18 years and not more than 7 years.

19 (1.5) A person who violates subsection 24-1(a)(4),  
20 24-1(a)(9), or 24-1(a)(10) in any school, regardless of the  
21 time of day or the time of year, in residential property  
22 owned, operated, or managed by a public housing agency or  
23 leased by a public housing agency as part of a scattered  
24 site or mixed-income development, in a public park, in a  
25 courthouse, on the real property comprising any school,  
26 regardless of the time of day or the time of year, on

1 residential property owned, operated, or managed by a  
2 public housing agency or leased by a public housing agency  
3 as part of a scattered site or mixed-income development, on  
4 the real property comprising any public park, on the real  
5 property comprising any courthouse, in any conveyance  
6 owned, leased, or contracted by a school to transport  
7 students to or from school or a school related activity, in  
8 any conveyance owned, leased, or contracted by a public  
9 transportation agency, or on any public way within 1,000  
10 feet of the real property comprising any school, public  
11 park, courthouse, public transportation facility, or  
12 residential property owned, operated, or managed by a  
13 public housing agency or leased by a public housing agency  
14 as part of a scattered site or mixed-income development  
15 commits a Class 3 felony.

16 (2) A person who violates subsection 24-1(a)(1),  
17 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the  
18 time of day or the time of year, in residential property  
19 owned, operated or managed by a public housing agency or  
20 leased by a public housing agency as part of a scattered  
21 site or mixed-income development, in a public park, in a  
22 courthouse, on the real property comprising any school,  
23 regardless of the time of day or the time of year, on  
24 residential property owned, operated or managed by a public  
25 housing agency or leased by a public housing agency as part  
26 of a scattered site or mixed-income development, on the

1 real property comprising any public park, on the real  
2 property comprising any courthouse, in any conveyance  
3 owned, leased or contracted by a school to transport  
4 students to or from school or a school related activity, in  
5 any conveyance owned, leased, or contracted by a public  
6 transportation agency, or on any public way within 1,000  
7 feet of the real property comprising any school, public  
8 park, courthouse, public transportation facility, or  
9 residential property owned, operated, or managed by a  
10 public housing agency or leased by a public housing agency  
11 as part of a scattered site or mixed-income development  
12 commits a Class 4 felony. "Courthouse" means any building  
13 that is used by the Circuit, Appellate, or Supreme Court of  
14 this State for the conduct of official business.

15 (3) Paragraphs (1), (1.5), and (2) of this subsection  
16 (c) shall not apply to law enforcement officers or security  
17 officers of such school, college, or university or to  
18 students carrying or possessing firearms for use in  
19 training courses, parades, hunting, target shooting on  
20 school ranges, or otherwise with the consent of school  
21 authorities and which firearms are transported unloaded  
22 enclosed in a suitable case, box, or transportation  
23 package.

24 (4) For the purposes of this subsection (c), "school"  
25 means any public or private elementary or secondary school,  
26 community college, college, or university.

1           (5) For the purposes of this subsection (c), "public  
2           transportation agency" means a public or private agency  
3           that provides for the transportation or conveyance of  
4           persons by means available to the general public, except  
5           for transportation by automobiles not used for conveyance  
6           of the general public as passengers; and "public  
7           transportation facility" means a terminal or other place  
8           where one may obtain public transportation.

9           (d) The presence in an automobile other than a public  
10          omnibus of any weapon, instrument or substance referred to in  
11          subsection (a) (7) is prima facie evidence that it is in the  
12          possession of, and is being carried by, all persons occupying  
13          such automobile at the time such weapon, instrument or  
14          substance is found, except under the following circumstances:  
15          (i) if such weapon, instrument or instrumentality is found upon  
16          the person of one of the occupants therein; or (ii) if such  
17          weapon, instrument or substance is found in an automobile  
18          operated for hire by a duly licensed driver in the due, lawful  
19          and proper pursuit of his trade, then such presumption shall  
20          not apply to the driver.

21          (e) Exemptions. Crossbows, Common or Compound bows and  
22          Underwater Spearguns are exempted from the definition of  
23          ballistic knife as defined in paragraph (1) of subsection (a)  
24          of this Section.

25          (Source: P.A. 99-29, eff. 7-10-15.)

26          Section 99. Effective date. This Act takes effect upon

1 becoming law.